

From: [Ursula Lennox](#)
To: [Hughes, Angela](#)
Cc: [Buddy Parr](#); [Charles Faultry](#); [Gary Baumgarten](#); [Mallory, Heather](#); [Dixon, Kelly](#); [Donald Williams](#); [j.e.costello@tx.rr.com](#); [James Costello](#)
Subject: TAR CREEK - Follow up
Date: 09/19/2008 05:13 PM

Good Afternoon Angela,

I will coordinate with our management and get back with you next week. Until then, have a pleasant afternoon and a great weekend!

Ursula Lennox
Remedial Project Manager
U.S. EPA (6SF-RL)
(214) 665-6743
Lennox.Ursula@epa.gov
▼ ["Hughes, Angela" <Angela.Hughes@deq.ok.gov>](mailto:Angela.Hughes@deq.ok.gov)

"Hughes, Angela"
<Angela.Hughes@deq.ok.gov>

09/19/2008 04:02 PM

To Ursula Lennox/R6/USEPA/US@EPA, Gary Baumgarten/R6/USEPA/US@EPA
cc "Mallory, Heather" <heather.mallory@deq.ok.gov>, "Dixon, Kelly" <Kelly.Dixon@deq.ok.gov>, Buddy Parr/R6/USEPA/US@EPA, Charles Faultry/R6/USEPA/US@EPA

Subject

Ursula and Gary:

Background

I'm writing in reference to the SHPO (State Historic Preservation Office) work that DEQ has been conducting to satisfy the Section 106 of the National Historic Preservation Act. FHWA and USACE stated that if federal funds were utilized than Section 106 had to be satisfied. In 2005, a Programmatic Agreement (PA) was established that dealt with compliance of Section 106 of the National Historic Preservation Act. Many agencies were party to this agreement – including EPA.

When the Buyout became evident and project funds were redirected towards buyout, the USACE interpreted the PA to say that demolition of homes was not covered under the PA. So to satisfy Section 106, homes over 45 years of age must be documented with photos, research of style, and write up with recommendation. DEQ performs this work and provides it to the USACE.

USACE submits the packet to State Historic Preservation Office with their recommendations. Finally, SHPO replies to the USACE as to their acceptance.

DEQ has documented over 300 homes and business to date and have approximately 150 left. DEQ receives no funding to perform this task. EPA has given verbal approval for this effort to count towards OU 4 state match therefore we track our time and effort for this task in order to provide as backup to EPA.

To date there are only two properties that are officially “historic” – a church and the mining museum.

Questions

DEQ has the following questions:

Is EPA required to perform Section 106 compliance under CERCLA?

Does EPA plan to take over these duties from the USACE (review of documentation and submittal to SHPO) now that EPA funds are being expended and the USACE funds are gone?

Please feel free to forward to other appropriate parties. I’d be happy to participate in a conference call if needed.

Thanks,

Angela

Angela Hughes
Environmental Programs Manager
Land Protection Division
Oklahoma Department of Environmental Quality
wk 405-702-5141
cell 405-535-6054
Angela.Hughes@deq.ok.gov

**Note September 1st email address will change to
Angela.Hughes@deq.ok.gov**

Please update in address book.